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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/17/2010

JOZEF WOLOSZ (WOLOSZ), date of birth May 18, 1958, social security account number 054-82-9599, was interviewed pursuant to a proffer agreement at the office of the United States Attorney for the Eastern District of New York. Present for the interview were SA Naushaun C. Richards, SA Michael J. Punzo, AUSA Cristina Posa, Polish interpreter Krystyna Sanderson and WOLOSZ'S attorney Patrick Brackley. WOLOSZ provided the following information:

WOLOSZ was born in Poland and came to the United States legally on a tourist visa in 1993. He currently has citizenship in both the United States and Poland. WOLOSZ initially lived in Greenpoint, New York and worked part time doing painting, flooring and other construction. His first full time job was with a Polish construction company where he was paid off the books because he did not have the proper papers. While working for this company, WOLOSZ was paid by check and in cash. WOLOSZ worked at this company for approximately one year and then took a job with a scaffolding company named ZANIS. He worked for this company for approximately two years. He initially worked off the books but then worked legitimately when he received his green card in 1997 or 1998. WOLOSZ had made the application for his green card when his tourist visa expired.

When WOLOSZ left ZANIS, he went to work for BOGDAN STARZECKI (STARZECKI) at MCR. WOLOSZ did not know STARZECKI prior to working at MCR. WOLOSZ lived in the same building as ADAM RADZEWICZ (RADZEWICZ). RADZEWICZ worked for STARZECKI and was possibly his partner. RADZEWICZ got WOLOSZ the job with MCR. WOLOSZ helped renovate buildings for MCR which may have been owned by the City of New York. WOLOSZ physically worked these job sites for two or three years before becoming a foreman. He was initially paid eight dollars per hour and eventually made 10 or 11 dollars per hour. Approximately ninety percent of his co-workers at MCR were Polish. A lot of the workers had green cards and were paid by check. While WOLOSZ worked at MCR, no inspectors came to the sites and asked how much the workers were being paid.

WOLOSZ left MCR to start a construction company with his friend DARIUSZ BIALEK (BIALEK). The company was called BIALEK CONSTRUCTION. BIALEK had also worked for MCR. BIALEK CONSTRUCTION worked only for MCR and did work on union and city jobs. BIALEK

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 by SA Michael J. Punzo
SA Naushaun C. Richards

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prepared the certified payrolls while WOLOSZ hired the workers and took care of the actual construction. MCR suggested that certain people be fired if they were considered a bad worker. WOLOSZ paid the workers the proper union wage. Most of the workers at BIALEK CONSTRUCTION did not have a green card. MCR usually paid a \$10,000.00 flat rate to BIALEK CONSTRUCTION for each apartment that they renovated.

After BIALEK CONSTRUCTION, WOLOSZ started JW CONSTRUCTION and worked for MCR for the same flat rate. This flat rate was not enough to complete the job and pay the prevailing wage to the workers. WOLOSZ would receive extra money when a job was complete. When WOLOSZ prepared certified payrolls for JW CONSTRUCTION he did so based upon a formula provided to him by STARZECKI which included certain rates and deductions. WOLOSZ would hire 30-35 workers for a typical job. Only those workers with green cards and social security numbers were included on the certified payrolls. Only these workers were paid by check but they were not paid what the payroll indicated. The other workers were paid cash according to a rate agreed to when they were hired. STARZECKI knew that these workers were paid cash. WOLOSZ was paid in cash when he worked without the proper documentation and did not know for a long time that there was a certain wage he was supposed to be paid. STARZECKI knew how many people were actually working at the job sites. If STARZECKI or RADZEWICZ knew a city inspector were coming to the site, they would signal WOLOSZ to adjust the number of workers. WOLOSZ would send people home if there were too many workers to be paying the prevailing wage. STARZECKI wanted to hide any extra workers. STARZECKI did not know the number of workers WOLOSZ used on a particular day but did know how many workers were employed by JW CONSTRUCTION. MCR paid WOLOSZ once per week or every two weeks. WOLOSZ did not tell workers to cash their checks and then give money back to him. WOLOSZ did leave notes in their pay checks instructing them to cash the checks and use some of their money to pay other workers. WOLOSZ did not believe that STARZECKI knew about the notes. However, STARZECKI did know that he did not give enough money to WOLOSZ to pay the prevailing wage to all the workers. WOLOSZ discussed project contracts with RADZEWICZ and signed them with STARZECKI.

WOLOSZ received separate checks amounting to \$10,000.00 or more from MCR because WOLOSZ asked for the checks to be written in those denominations. He did this so that he would not have to cash or deposit a check of \$10,000.00 or more and have to report it to the Internal Revenue Service for tax purposes. STARZECKI never

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asked why WOLOSZ needed separate checks because he already knew the reason.

WOLOSZ did not know about any relationship that STARZECKI and RADZEWICZ may have had with inspectors from HOUSING PRESERVATION AND DEVELOPMENT (HPD). He did see STARZECKI talk to inspectors at the job sites. He did not know how STARZECKI got contracts for HPD projects and was not aware of any friends he had at HPD.

WOLOSZ tried to talk to PAWEL STOLARCZYK (STOLARCZYK) when he heard about the lawsuit filed by his employees. STOLARCZYK told WOLOSZ that he was after MCR and that WOLOSZ would be fine. WOLOSZ wanted to know why STOLARCZYK was involved in the lawsuit but STOLARCZYK did not want to talk. When WOLOSZ received a notice from the court regarding the case he got an attorney. STARZECKI and RADZEWICZ had a different attorney. WOLOSZ did speak to STARZECKI and RADZEWICZ about the case and told them that the workers were not being fair.

ROBERT DZIEDZIACH (DZIEDZIACH) knew a man that had contact with attorneys and could arrange green cards. WOLOSZ felt that a man like this must have a lot of contacts. WOLOSZ felt that this man, DARIUSZ LAPINSKI, could come to an arrangement with the workers' attorney and prevent the case from going to court. WOLOSZ thought that he could pay LAPINSKI to make this happen. WOLOSZ met with LAPINSKI and talked about the matter. LAPINSKI agreed to arrange a confrontation that would prevent the case from going to court. WOLOSZ paid \$10,000.00 of his own money to LAPINSKI. STARZECKI did not know about this payment. WOLOSZ thought that LAPINSKI would talk to the workers' lawyer. WOLOSZ did not want anyone to be hurt. WOLOSZ only talked to LAPINSKI once and they did not discuss the involvement of any Russians. After a few months LAPINSKI did nothing. LAPINSKI was paid an additional \$5,000.00. When the case went to court WOLOSZ realized that LAPINSKI could not do anything and that he was a liar. WOLOSZ heard that acid had been thrown on STOLARCZYK'S girlfriend. The idea to send a message to the workers and their lawyer did not come from WOLOSZ or DZIEDZIACH.

Date: 2/16/2010

Josef Wolosz

Time: 1:00 p.m.

Present: SA Michael J. Panza

SA Shaun Richard

AUSA Christina Bosq

Att. Brackley

Interpreter:

- W since 93. born Poland still Polish cit dual cit.
- entered legally w/ visa moved to Greengarden, NY
- first work 3 days at a time painted flooring construction
- full time job construction Polish const firm polish boss ^{under the table} ~~under the table~~
didn't have papers sometimes check sometimes cash
- ? prevailing wage job
- first job lyr. then went to scaffolding job time maybe 95-96
Greek firm phonetic Zanis(?) under the table
- Zanis @ 2 yrs or 1 1/2 (no winter)
- when came in has tourist visa. T visa ended mad application for green card. Had sister already in U.S. Green card received 97-98
- started working legitimately (taxes etc.) scaffolding firm and had ss. #
- after scaffolding → construction MCR for Storzack. Didn't know S before. Lived in same building of Adam Rad (?) partner or worked for S. Knew R and R said could work for MCR (@ 1997-98)
- for MCR W renovated buildings, suspect some were city but didn't know
- W physically worked 2-3 years then foreman then partner with friend (Dariusz Bialek) own firm. DB also worked for MCR
- W believed same was public housing, HPP, union jobs

- doesn't know if all co-workers worked legally. A lot had green cards and were paid by checks. 90% polish workers
- Sometimes jobs were large apartment buildings
- no insp came to site and ask about amount paid
- W made 8 per hour then 10-11 per hour
- how did own business work? (name: Bialek Const.)
 - continued by work but only for MCR (AR + 5)
 - own company did union + city work
- Bialek ^{certs} prepared payrolls. W only took care of const. out papers
- W hired people at B. But MCR suggested who could be hired if had worker. W paid workers 10-12-14 /hr. Paid them union wage
- 90% workers no green card. Only people with g.c. and ss were W and Bialek.
- Extra money. Never give to MCR. MCR always paid \$10 thou. per apartment.
- W got money from S. Flat rate per apt. \$10 thous and before that less
- W covered labor expenses painting
- on city jobs given by MCR got flat rate
- Cert. payrolls for supposed union employees? in Bialek?
- Difference in payment.
- after B JTW Const
 - worked the same \$10k per job
- JTW payrolls prepared by? B gave him a formula how much deductions and W did the rates

- typical for W would hire 30-35 but times when he had only 10
- only included people with g.c and ss on certified payroll!
- others paid by cash according to rate agreed on when he hired them
- W didn't get enough money to pay prevailing wage. When building finished got 4 or 5 then.
- MCR knew how many people actually working (those not on cert pay)
- they knew b/c W had signal on Wld to include more people
b/c some msp would come (sig from B + A) B would call tell msp coming. B would tell W to send people home if W had too many.
- B wanted to hide extra people. A also part.
- ~~Q~~ Extra money to pay extra workers. W didn't get extra money
- just flat rate.
- only people on cert pay were the ones that got checks
- but not paying what the payroll said.
- MCR paid 1 per week or every 2 weeks
W made reports about how much he needed @ 10,000 per week
W took more if he had more people
- W had 100,000 per building and then extra
- B didn't know # of workers on day but knew how many people worked for W.
- cert payroll for HPP prepared by W.

- sometimes college helped \rightarrow taxes etc.
- W got rates from B and then knew what to write down
- ~~W~~ W figured out hours by how much they should be paid for.
- ~~W~~ workers not on cert payroll got money from B (signed contract)
- ~~did tell them~~ did not tell to cash back and give money back.
- W wrote checks at p.w. did leave notes for workers to pay other workers to cover them.
- B doesn't think B knew about notes
- B did know that he gave such a large sum to W that he could not pay p.w. to all workers
- Comparison between MCR - W contract and ~~MPA~~ MPA contract with S would be different.
- W suspects A & B were partners. W talked to A about contracts only signed with B.
- B would tell W insp. will come. ~~would tell~~ W sent people home if he knew too many people to pay the p.w.
- B and/or A knew how many people really working. B called insp. coming.
- Problem when insp. came unannounced. Never got extra money only contract.
- 10k a week from B. ~~Broken up~~ W cashed checks. Why diff banks? ~~W~~ Why 2 checks add to 10k W asked for these denominations

- W knew could not cash more than \$10K in a cash place or report to IRS. Warned him b/c he would have to pay taxes. Separate checks so that he didn't have to do all at once. B knew about it.
- B knew 80%-90% of time W paid in cash to workers
- only ss g.c paid by check. B knew undocumented workers paid in cash.
- same way when W worked illegally for B. W wasn't paid prevailing wage. Didn't know he was supposed to get it for a long time. When B established he knew it.
- W needed separate checks. W divided checks according to his need. (wks)
- B did not ask why one check wouldn't do it, b/c B knew why.
- W doesn't know about A/B rel. with inspectors. Doesn't know how B got contacts. Doesn't think friends at HPP.
- W always saw B talk to insp on sites. B came there.

- W learned that employees started a case about nonpayment of wages
- W tried to talk to one of them (Stolarzyk) W met w/ him
- W asked why he did it. ST said W ok he wanted A+B (McR) ST didn't want to talk. Told W to talk to his lawyer. After time W got notice from court. W got att. and case started. B+A had diff att.
- W talked to A+B when found out case started
 - people that started case not being fair. ~~The case~~ RD says he knows a man who could arrange g.c. for his girlfriend + contact w/ attorneys. W thought that man could arrange g.c. for RD he must have contacts. Thought could arrange with att to prevent case from going to court. Thought agreement with W att and St att. Thought that L would help. W met L and talked. L agreed to help. to arrange a confrontation to prevent from going to court. If L arranging g.c. maybe he not att but he has access to att. W didn't know. W thought though he could pay money so case wouldn't go to court. Few months L did nothing. RD contacted L referring to g.c. (g-friend). W gave L \$10,000 to pay att to do something about case. W's own money. B didn't know. B so that L could talk to lawyer (wif) L never mentioned Russians W talked to him only ~~once~~ once. Not about Russians W thought that L would pay lawyers.
 - thought that L would talk to lawyers. W did not want to injure. W heard about acid on ST's girlfriend

- when case went to court knew L couldn't do anything
- W gave A \$K additional paid him. L was liar
- ~~W~~ - Sending message not idea of W or RD.